

FOR MYSORE STATE

REVENUE 1950. (195) Department.

Ms. SERIES.

G.O. NO. 632

Dated 6.3.50

[Despatch Abstract.]

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 - Notified estates- Land acquired under Land Acquisition Act - Payment of compensation - Instructions.

REVENUE DEPARTMENT.

Subject.

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 -
Land Acquisition - Notified Estates - Land acquired under the Land
Acquisition Act - Melwaram interest - compensation - payment.

Ref: S.E.A.2.3936/49-1 Station: Madras. Dated 23rd January 1950.

From:

Sri C.V. Narasimhan, I.C.S.,
Secretary, Board of Revenue.

Sri V.N. Kudva, I.C.S.,
Commissioner of Commercial Taxes.

Sri V.S. Hejmadi, I.C.S.
Commissioner of Civil Supplies and Food Production.

Sri M.V. Subramanian, I.C.S.,
Commissioner for Settlement of Estates.

Read: From the Collector of East Godavari, B.2.622-49 dt. 18-10-49
do. Krishna Roc. B.5.21290/48 dt. 24-10-49.

REFERENCE:

The Collectors of East Godavari and Krishna have raised the question whether any compensation has to be paid to the Zamindars in respect of Melwaram interest in the land acquired under the Land Acquisition Act in the Estates taken over by the Government under Act XXVI of 1948. The Collector of Krishna has further requested instructions whether communal lands in the notified estates required for P.W.D. channels may be transferred to Public Works Department without enquiry under Section 20(A) of the Estate Land Act, 1908.

2. The Board has examined the questions. Section 3(b) of the Estates Abolition Act lays down that with effect on and from the notified date and save as otherwise expressly provided in the Act, the entire estate shall stand transferred to the Government and vest in them free of all encumbrances. The landholder of a notified estate has, therefore, no manner of right in the estate after the notified date except those provided for in the Act. vide Section 3(e) of the Act. Also under Section 25 of the Act. the compensation due to the landholder should

2 be determined for the estate as a whole and not separately for each of the interests therein. Further, the ultimate compensation provided for under Section 40 of the Act is precisely for the melwaram ~~compensation~~ interest of the landholder in the notified estate. The question of melwaram compensation does not, therefore, arise after an estate is notified under the Act

A and no compensation need be paid to the landholder in respect of a ryoti land acquired under the Land Acquisition Act apart from the compensation due to him for the entire estate under the Act. But, under section 28(1) of the Act only the lands occupied by any person other than the landholder on the notified date have to be taken into consideration in the matter of calculation of the basic annual sum on which the compensation due to the landholder is to be determined. If for instance, a piece of wet

land, which would bear an assessment at the time of the settlement, ^{now acquired by the Government} ~~only the present occupier of the land will get compensation for this land but not the landholder because at the time of the settlement, this land would not be bearing any assessment by virtue of~~ the change in its classification due to acquisition. This would

B be a clear loss to the landholder. The Board considers that it would be unfair to put him to that loss. The Board therefore suggests that a list of such lands should be prepared and kept and the assessment that would have been levied on these lands should be separately worked out at the time of the settlement by the Settlement Officer and the aggregate value of this assessment should also be taken into account for working out the compensation payable to the landholder under the Abolition Act.

C 3. As regards communal lands in the notified estates required for the Public Works Department channels or for any other public purpose, they may be transferred to Public Works Department or other poramboke, according to the purposes for which they are required without enquiry under section 20(a) of the Estate Land Act, as this Act stands repealed in respect of notified estates under section 3(a) of Act XXVI of 1948.

4. The Board requests the orders of the Government whether it may issue instructions to the Collectors and Settlement

Officer as proposed above.

(Sd.) xx xx
 For Secretary.

To
 The Secretary to Government, Revenue Department.
Copy to the Collectors of East Godavari and Krishna.

/True extract/


Superintendent.

nr. 10/6



ABSTRACT.

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 - Notified estates - Land acquired under Land Acquisition Act - Payment of Compensation - Instructions.

Revenue Department.

G.O. Ms. No. 632.

Dated the 6th March 1950.
Read the following:-

From the Board of Revenue (S.E) Reference A.2.3936/49-1
dated 23-1-50.

ORDER :-

The Government agree with the views expressed by the Board of Revenue in its reference quoted above subject to the remark that the compensation provided for in Section 40 of the Madras Estates (Abolition and Conversion in Ryotwari) Act, 1948 is not precisely for the melwaram interest of the landholder in the estate as stated by it but is for all his rights in the estate which are required under the Act. The Board may issue instructions to Collectors and Settlement Officers as proposed by it in its reference above.

(By Order of His Excellency the Governor)

K.M.Unnithan.
Secretary to Government.

To
The Board of Revenue.

/True copy/

nr. 10/6

H. W. R. have the
Superintendent.

(C.No.5006J/EO.)

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 - Notified estates - Land acquired under the Land Acquisition Act - Molwaram interest - Compensation - Payment.

From the Board of Revenue Ref.S.E.A.2.3936/49-1
dated 23-1-1950.

To A.S.

Please see the Board's Reference in the c.f.

2. 'A' on p.1 c.f. The Board's ~~suggestion~~ views seems to be correct and the Government may agree with it.

3. 'B' on p.1 c.f. The Board's suggestion is equitable and may be accepted.

4. 'C' on p.2 c.f. The object of section 20-A of the Madras Estates Land Act, 1903, is to see that, by transfer from one category to another, communal lands in estates do not unnecessarily get diverted from the original purposes for which they were set apart. Under section 3 (a) of the Abolition Act, the Estates Land Act is repealed in respect of an estate with effect from the notified date and under section 3(b) the communal lands vest in the Government free of all encumbrances. Section 20-A of the Estates Land Act will therefore cease to apply to the transfer of these lands from one class to another after the notified date. The question of applying section 20-A of the Estates Land Act to the transfer of the lands in question from one kind of pottamboke into another does not therefore arise at all. The Bd.'s view at 'C' on p.2 c.f. may be agreed to.

5. Legal may see before circulation.

Rev. Secy.

5006J/EO

7/2/50

Legal Department.

This Department generally agrees with the views expressed by the Board of Revenue which are accepted by the Revenue Department.

The Board's views at A and C on pp.1 and 2 of are correct subject to the remarks of A.S.Rev. on the margin. /X

2. As regards B on p.1 c.f. the Board's proposal is quite reasonable and the landlord cannot be deprived of any part of the compensation due to him under the Act on account of an intervening circumstances viz. acquisition land by the Govt. before the settlement. He will be entitled to be paid compensation under the Abolition Act as on the notified date.

To A.S.

Rev. Dept.

Legal U.O.2048/50-^Y

Please see the notes from P. Lalor.

20-2-50.

A draft order is submitted for approval.

H.M. (L.R.)

H.M. (

(Issued as G.O.Ms.No.632 Rev.date. 6-3-1950.)

/True extract/

nr. 10/6

Compared by.

(1) M. B. Sarma 15/6.

20 V. Ramadoss

M. B. Sarma
Superintendent.